

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF JULY 27, 2004.

ATTENDANCE

COUNCIL: Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: Randy Menard – Chair (District 9)

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Interim Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation)

COMMENCEMENT

(TAPE 1)(SIDE A)(000)AGENDA ITEM NO. 1: Call to order.

Vice Chair Rob Stevenson called the Regular Council Meeting of July 27, 2004 to order. He then announced that Councilmember Randy Menard would not be in attendance due to an out-of-town trip.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)() AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT**

President Durel presented the following:

- a. Proclamation for National Kids Day to the Boys and Girls Club of Lafayette. It was announced that there would be a ribbon-cutting ceremony for the new Learning Center at the Granberry location at 5:30 p.m. on Thursday, July 29, 2004.
- b. Proclamation to Northside High School for winning the Junior Achievement Titan Southern Region Championship. Members of the team, teachers and sponsors were recognized.
- c. Recognized Terry Huval, LUS Director, along with representatives from SLEMCO, Cleco, and Entergy, to appeal to all electrical customers to conserve electricity by raising their thermostats each day to 78 degrees between 12:00 noon and 8:00 p.m. Huval then announced that President Durel had made it mandatory for all thermostats in LCG buildings to be moved to 78 degrees.
- d. Councilmember Benjamin then recognized former Mayor Mike Thibodeaux, Opelousas, who was in attendance.

RESOLUTIONS

(TAPE 1)(SIDE A)(400) AGENDA ITEM NO. 4: **R-045-2004** A resolution of the Lafayette City-Parish Council requesting assistance from Kathleen Blanco, Governor of the State of Louisiana, for a left-turn arrow signal at the intersection of Moss Street and Pont des Mouton, motion to adopt as amended (amendment being to delete the third “Whereas” from the resolution), by Benjamin, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson

NAYS: None

ABSENT: Menard

ABSTAIN: None

Motion was unanimously approved as amended.

Conque offered an amendment to delete the third Whereas paragraph from the resolution. The maker and the seconded agreed.

The following individual was recognized:

Jeffrey Landry agreed with Item 4, R-045-2004, as it related to the left-turn signal he had been trying to get on Louisiana Ave. at Mudd St. and Willow St. at Teurlings Drive. He spoke against Item 5, R-046-2004, arguing that the truck drivers were frequenting the truck stop in Breaux Bridge. He felt the truck drivers should be heard before a vote.

(TAPE 1)(SIDE A)(503) AGENDA ITEM NO. 5: R-046-2004 A resolution of the Lafayette City-Parish Council requesting assistance from Kathleen Blanco, Governor of the State of Louisiana, with regard to 18-wheelers exiting I-10 in Breaux Bridge and traveling Willow Street and Alexander Street to avoid the weigh scales, motion to adopt by Mouton, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson

NAYS: None

ABSENT: Menard

ABSTAIN: None

Motion was unanimously approved.

Benjamin explained that this resolution was proposed because there has been a significant amount of traffic coming through these areas due to 18-wheelers trying to avoid the weigh scales on I-10. These trucks are endangering the children who live in this area and who are trying to walk to school. The trucks are also carrying chemicals and heavy equipment and the streets are not designed to hold the weight. He then asked for support of the resolution.

The following individuals were recognized:

Wallace Senegal, a truck driver, stated that this resolution was a disservice to truck drivers. The Council should request assistance from DOTD.

Benjamin again argued that the trucks are still going through residential areas and the streets can't take the weight. He is not trying to stop trucks from using these streets, just the trucks that are breaking the weight limits on those roads and the resolution is asking for enforcement of those limits. He firmly urged adoption of the resolution.

Jeffrey Landry requested that the Council table the resolution until more information is obtained.

ORDINANCES FOR FINAL ADOPTION – ZONING

(TAPE 1)(SIDE A)(730) AGENDA ITEM NO. 6: O-141-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the official map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. Z2004-005 (A) Grand Pointe Annexation, property belonging to Jerome S. Young et al, located generally east and west of Kaliste Saloom Road, south of Burdin Road, north of East Broussard Road, and east of the Vermilion River, which is located within Lafayette City-Parish Council Districts No. 7 and No. 8 for voting purposes, and assigning zoning classifications of R-2 (Multi-Family Residential) and B-T (Transitional Business), motion to adopt by Conque, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson

NAYS: Williams

ABSENT: Menard

ABSTAIN: None

Motion was approved.

Bouy explained that Councilmember Stevenson placed this ordinance back on the agenda for reconsideration. This annexation is a very large piece of vacant property (125 acres) on Kaliste Saloom Road. This annexation was discussed at length the last time it was before the Council and the Council denied the request for annexation. PZC is recommending the annexation and the zoning assignment of R-2 (in the back of the property), B-T (for the front of the property) and B-T (on property across Kaliste Saloom Road).

Upon questioning by the Council, it was determined that this property is already in the

“Area of Influence”, therefore, the developer must adhere to the City regulations for developing subdivisions and that annexation of this property would be advantageous to LCG.

The following individuals were recognized:

John Mouton, resident of Burdin Road, spoke in support of the annexation.

Jeffrey Landry stated he was not against this proposal, but inquired as to why there are small islands throughout the City that are still considered “Parish”. He also asked why voting districts are mentioned in the ordinances.

Stevenson informed Landry that the voting districts are placed in the ordinance so that people will know that they will remain in the same voting district after annexation.

Williams requested that Bouy report on the disproportionate rate of annexations between north and south Lafayette at the regular meeting of August 24, 2004 and how Planning, Zoning and Codes plans to aggressively pursue that. Benjamin requested that Bouy include in the report the area between Teurlings Drive and the river.

(TAPE 1)(SIDE B)(214) AGENDA ITEM NO. 7: O-142-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Charles R. Roche, Case No. Z2004-010 Charles R. Roche Property Rezoning, located generally southwest of South College Road and southeast of Coulee Shore Drive, B-1-0 (Office Business-Special) to B-T(c) (Transitional Business – Conditional), motion to adopt by Mouton, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson

NAYS: None

ABSENT: Menard

ABSTAIN: None

Motion was unanimously approved.

Jim Parker, Planner II, explained that this parcel was rezoned in 1987 to B-1-O. Tri-Parish Bank is considering the purchase of this land for use as a branch bank. Since B-1-O does not allow banks, they are requesting a rezoning of B-T(C) (Transitional Business - Conditional) with the condition that the property be used for a bank only. The Planning Commission concurred.

(TAPE 1)(SIDE B)(258) AGENDA ITEM NO. 8: O-143-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Murphy Leday, Jr. Case No Z2004-011 Murphy Leday, Jr. Property Rezoning, located generally north of East Willow Street and east of Venus Drive, R-I-B (Single-family Residential) to B-N(c) (Neighborhood Business – Conditional), motion to adopt by Benjamin, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Stevenson,

NAYS: None

ABSENT: Mouton, Menard

ABSTAIN: None

Motion was unanimously approved.

Denise Womack, Zoning Manager, explained that this property had been vacant since 1987. Murphy Leday, Jr. has purchased this property (once a convenience store) to open a gift shop and Counseling Service. He has already made several improvements to the property. The Zoning Commission recommends approval even though residential zoning surrounds it.

The following individuals were recognized:

Murphy and Toynette Leday, the property owners, were recognized. Mr. Leday stated that the area residents do not object to the rezoning. He then requested support of the ordinance.

Doug McGee, working with Mr. Leday to improve the property, stated that Mr. Leday’s business would be a definite improvement to the neighborhood.

Jeffrey Landry spoke in support of the ordinance. He then asked what a “grandfather clause” is. Bouy explained that a grandfather clause means that if there are 12 months of vacancy, you lose your grandfathered use.

APPEALS

(TAPE 1)(SIDE B)(433) AGENDA ITEM NO. 9: Appeal of Planning Commission action concerning Grandview Terrace Subdivision.

A motion was offered by Bourgeois, seconded by Conque to grant an appeal to Condition No. 8, Anslem Drive and/or Gaslight Lane must be extended into this property, and the vote was as follows:

YEAS: Bourgeois, Conque, Mouton, Stevenson,
NAYS: Badeaux, Williams, Benjamin, Broussard,
ABSENT: Menard
ABSTAIN: None

Motion failed.

Rebekke Raines, Planning Manager, explained that the developer requested revised, preliminary plat approval for the subdivision of approximately 33 acres of property with 56 lots. The property is located off of Verot School Road and is in the unincorporated area of the Parish. The property is adjacent to Anslem Ridge Subdivision, which was developed in 1999. As part of that development, Anslem was stubbed out to the west at Anslem Coulee. The developer owned the property on the other side of the coulee but it was not platted. Legacy Estates Subdivision also abuts this property. It is in the corporate limits of Youngsville. No stub-out street was required as part of that development and two of the lots are on the west side of Anslem Coulee. In September, 2003, PZC issued a "Letter of No Objection" to the property owner, Mr. Williamson, for the construction of a pond on his property. The owner indicated that the pond was for personal use. The pond was platted and the area to the west of the pond was undeveloped. In February, 2004, the developer submitted an application for preliminary plat approval and in March, the Planning Commission voted to table the application until further information regarding traffic and drainage related issues, for the whole area, could be provided to the commission. The developer changed the layout of the lots and resubmitted the plat. In May, 2004, the Planning Commission voted to grant revised preliminary plat approval subject to the requirement that either Anslem Drive or Gaslight Lane would be extended into the property but not both. The pond would have to be partially filled-in in order for either connection to be made. The developer appealed basically because the Dept. of Planning, Zoning and Codes had already issued a permit for the construction of the pond based upon the Letter of No Objection and the fact that neither adjacent subdivision was required to provide a coulee crossing.

Upon questioning by Bourgeois, Raines stated there is a significant amount of other vacant property in that area that would indicate the need for a street extension or another street in that area would be very likely. Bourgeois opined that it would make more sense not to cross the coulee and to use the stub-outs to get the traffic in and out. Tramel explained that Subdivision Rules and Regulations clearly say that streets must be planned to extend so that ultimately it's built out to an interconnected subdivision. This has not always been done. This is to avoid building streets such as the ones along Johnston Street.

The following individuals were recognized:

Gary McGoffin, representing Lonnie and Brenda Williamson, stated he would answer any questions the Council might have. Upon questioning by Bourgeois, he explained that there was no future development planned to the north and the south of this area. He continued that a Letter of No Objection was issued for the pond and the excavation of that pond was used to build up the home sites to prevent flooding. The objection to the Anslem extension is 1) the cost involved in refilling the pond is \$175,000; and 2) the cost of building the bridge and roadway is \$65,000. The objection to the Gaslight extension 1) the cost involved in refilling the pond is \$70,000; 2) the cost of building the bridge and roadway is \$65,000; and 3) Gaslight is in the Town of Youngsville and approval would have to be obtained from Youngsville. He concluded that the only condition being appealed is the requirement that the owner allow this property to be used for the extension (that will not serve his subdivision), and that he pay for the construction of the bridge.

Broussard opined that the owner was not a commercial dirt hauler, but yet he created a pit to establish a subdivision. This would be a violation of the ordinance regulating dirt pits.

Paul Miers, Engineer for the project, did not speak.

Lonnie and Brenda Williams, did not speak.

REPORTS AND/OR DISCUSSION ITEMS

(TAPE 1)(SIDE B)(239) AGENDA ITEM NO. 10: Discussion

- a. Senate Bill 859, Video Draw Poker devices.

Bourgeois stated that Senate Bill 859, Video Draw Poker devices, passed in the Senate. Due to a boundary dispute between Lafayette and St. Martin Parish, this bill would allow a video poker licensee in a former parish to operate in Lafayette Parish even though Lafayette Parish does not authorize video poker. City-Parish Attorney Ottinger opined that a suit at this time to challenge the constitutionality of the statute would be premature. Until the boundary line is set, a suit should not be filed.

- b. Disability Awareness Council.

Williams announced that a resolution establishing the City-Parish President's Awareness Committee for Citizens with Disabilities would be brought before the Council on Tuesday, August 3, 2004. He asked all those interested to hold their comments until that time. He then requested that copies of the resolution be handed out for review.

The following individuals were recognized:

Daly Dupre expressed his frustration at not being informed as to the process taken this evening and at Mr. Stanley for not returning his call. Stanley rebutted that it was one call and he assured Dupre that there would be much discussion on the resolution before it was adopted.

Harold Arceneaux thanked Williams for putting this issue on the table. He asked that Mr. Scott, ABL, be allowed to speak.

Jane Callier requested that braille be added to the buses and the bus terminal because many of the disabled can't see the print.

Jodie Roger asked why the disabled are always put off. They do need transportation and services for housing and safety equipment. Williams explained that there was a crossover in the time he put the item on the agenda and the finalization of the resolution. The Administration has now turned in the resolution and it will be placed on a future agenda.

Scotty Malveaux stated he supported the President's Awareness Committee for Citizens with Disabilities.

Diane Morton stated that one issue the President's Awareness Committee for Citizens with Disabilities could discuss was interpreters in public buildings, such as the Cajundome and ULL.

Benjamin urged the Council to be sensitive when providing services to the disabled, especially when voting on the Night Owl Service.

Mouton requested that a letter be sent to Dr. Authement, UL-L President, noting Ms. Morton's comments.

Richard Phelps requested a meeting with Dr. Williams on Monday, August 2nd, to discuss this resolution.

Rita Dejean stated that the President's Awareness Committee for Citizens with Disabilities could help to facilitate the disabled citizen's resolution to a particular issue and to help with transportation.

Jeffrey Landry thanked Williams for bringing this issue forward and urged support of this resolution.

The following signed in but did not wish to speak but support the resolution:

Yvette Pouchou

Scott Crawford

Krishna Hiller

- c. Small and Emerging Business Quarterly report.

Jessica Walton, Small Business Coordinator, reported the following for the months of April, May and June:

- Total Reward of Small Emerging Businesses –
April \$ 89,333.69 or .65% of total LCG purchases
May \$ 89,692.29 or .85% of total LCG purchases
June \$ 88,800.07 or .99% of total LCG purchases

Williams thanked Ms. Walton and informed her that during budget hearings he would like to discuss how these numbers can be increased. He added that over 63 businesses have been identified as SBC. 9 are designated as small and emerging, 18 are identified as minority, 3 are women and 7 are African American.

- d. Neighborhood Housing Services Program.

Upon questioning by Williams, Melanie Lewis, Community Development Director, explained that anyone interested in these services should contact her or Joe Bourg, Government and Business Relations Manager, at 291-8400. At that time, the staff would go over the qualifications and procedures to follow. She added that the organization should be a ChoDo or a group who has a track record of development.

- e. Blind corner at Gilman and Pierce St. intersection.

Upon questioning by Williams, Tramel made the following comments:

- Regarding alignment of southbound lane of South Pierce, Tramel reminded that LUS constructed a substation on that corner. They had to comply with certain safety codes, including a chain-link fence for security. Traffic & Transportation has literally moved up the intersection to accommodate the substation. Williams requested that Tramel report to the Council on shifting the position of the reflectors, realignment of Pierce St. eastward, and possible roundabouts.
- Regarding the orange regulatory warning signs at that same intersection, Tramel stated that the combination of the color orange and reflexive sheeting is to draw attention. There are other possibilities. This seems to be the most cost effective option.

- f. Rotation of Public Works crews for grass cutting.

Public Works Director Tom Carroll reported that the Street Superintendent and the GIS Coordinator are working on a map to present to the Council at budget hearings. CAO Stanley interjected that the rain and bad weather in June put the crews extremely behind on grass cutting and they are diligently trying to catch up.

- g. Maintenance on railroad property between Lafayette and Carencro.

Boyd Boswell, Environmental Quality Manager, reported that EQ did not have the resources to determine current property owners along the railroad or the funding to pay a professional consultant to perform such work. Williams expressed his dismay at EQ's inability to pursue this task. He maintained that there had to be alternatives and that EQ should use all resources that LCG provides to find those alternatives. He urged EQ to be diligent in seeking resolution to the problem and suggested the possibility of grant money for the preservation of abandoned railways.

Stanley rebutted that assuming LCG can take title to the properties along the railway, it then becomes a maintenance issue. This has been going on for 15 years and many minds have pondered this issue and they have not been able to find an answer. The Administration is not saying they are at a deadend and are going to stop. Just going in and cleaning it up poses several issues, including liability, expense, legal, etc. There are issues that won't be easily solved.

Durel suggested expropriating the property by ordinance and then let people prove to

LCG that it's not LCG's property. Let them do the title search to prove the property is theirs and then they can have it. Then they will be made responsible for maintenance. Stanley then recommended that if the Council staff would contact the National League of Cities, the Police Jury Association and do the membership agencies, he would have Ottinger and Boswell contact their counterparts and come back as a group to report to the Council.

h. Park incentives.

1. Ms. Rose's Bar – statute will be located at the Lafayette Convention and Tourist Commission Center on the Evangeline Thruway. Unveiling will be on September 17, 2004 at 2:00 p.m.
2. Simcoe Street Park – park will be developed and the Acadiana Arts Council is scouting for artists who will donate their work for the park.

Conque stated that it had come to his attention that Simcoe Street Park was also called "Patin Park". He asked that anyone who can explain the name call the City-Parish Council Office or e-mail Councilmember Williams or himself.

The following individual was recognized:

Jeffrey Landry asked if the public would be involved in the creation of the park on Simcoe St. Ms. Naomi Celestine of Acadiana Arts Council, explained that Councilmembers Conque, Williams, Benjamin and herself were appointed to the committee to develop the park. Public input would be encouraged.

COMMENTS FROM THE PUBLIC

(TAPE 2)(SIDE B)(617) AGENDA ITEM NO. 11: Comments from the public on other issues.

The Clerk informed the Council that Harold Hoyt and Jaywood Domingue signed in, did not wish to speak, but support any improvements for Holiday Gardens drainage.

C. Bodensteiner reported that very little work had been done on the coulees in Holiday Gardens Subdivision. He requested that LCG check with the contractor. He then commended Tom Carroll, Public Works Director, for the work he has done thus far. Carroll stated that the contractor is, supposedly, on his second herbicide application this year. He offered to check with the contractor to see where he had sprayed.

Percy Aube, 402 Robert Lee Circle, reported problems the residents of Tanglewood Terrace Subdivision were having with Borden's on Bertrand Drive. Problems included noise from trucks in the middle of the night, unkempt yards; rodents, and they have put an entrance/exit driveway onto Billeaud Lane (a residential street). Conque explained that there are no ordinances, at this time, in existence to provide any relief; however, the PZC staff is looking into that and some sort of a buffering ordinance will be adopted in a year or so. Unfortunately, it will not be retroactive. He continued that there was some success in preventing encroachment from some property on the other side of Tanglewood Terrace from the South Louisiana Publishing Company. Regarding rodent problems, he would request EQ to look into it and report back. The driveway onto Billeaud Lane is not a residential area. It is zoned Light Industrial and there is nothing the Council can do to keep the public from using the road. Also, the Traffic Calming Program will be implemented in Tanglewood Terrace in approximately three to four months.

Krishna Hiller addressed the Council regarding the paratransit service. Her disability requires that she be picked up by a van with a lift. Several times, they have sent the wrong type of van to pick her up. The Director of Traffic and Transportation agreed to look into this situation. The Vice Chair then offered that the next time the wrong van comes; she can call the Council office and report the incident.

Geraldine Broussard had left the meeting.

Shelby Williams stated 1) the 3-minute rule was disregarded again, 2) his disappointment in the Fire & Police Civil Service action to take out the educational requirements for the Police Chief position, 3) asked why funds are being cut for the night-owl bus services but funds are being given to a new golf course, 4) why a grant for \$35,000 being used for more trees on Camellia Blvd.

Patrick Brasseaux requested that the Council consider increasing the Police Department budget for police patrol. Conque asked what the manpower shortage was in the Police Department. Chief Hundley answered 17 officers.

Harold Arceneaux had left the meeting.

George Bentley stated 1) the OWI charge had been lifted from the records of his deceased son, 2) more maintenance and herbicide should be given to rural road shoulders, and 3) 70 tickets were issued in his neighborhood for violation of the noise ordinance. He then urged the Council to continue their efforts in controlling the noise in the Parish.

Jeffrey Landry commended President Durel for his participation in Councilmember Williams' bus tour. He then urged the Council to place Ms. Rose's Statue at another location where it would be more visible.

The Chair called for a vote to allow Landry to continue speaking, and the vote was as follows:

YEAS: Williams, Benjamin

NAYS: Badeaux, Bourgeois, Conque, Mouton, Stevenson

ABSENT: Broussard, Menard

ABSTAIN: None

Motion failed.

Andrew Hebert requested a resolution be brought before the Council directing the Administration to place the proper name of Lafayette City-Parish Consolidated Government on utility bills and tax bills.

ADJOURN

(TAPE 3)(SIDE A)(402) There being no further business to come before the Lafayette City-Parish Council, Vice Chair Stevenson declared the meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL